

Message Text

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ACTION OPIC-12

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FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC PRIORITY 3531

LIMITED OFFICIAL USE NEW DELHI 3790

FOR OPIC

E. O. 11652: N/A

TAGS: EAID, IN

SUBJ: SHAMA FORGE CO., LTD. - LOAN NO. 386- E-116

REF : A) NEW DELHI 2945

B) STATE 48826

SUMMARY: IN THIS FYI STATUS REPORT, USAID REVIEWS, INTER ALIA: (A) LOCAL COUNSEL' S PRESENT RECOMMENDATION THAT WE FIRST BRING INDEPENDENT SUIT AGAINST UNION BANK AND LATER SEEK CONSOLIDATION OF THIS SUIT WITH SHAMA' S INJUNCTION APPLICATION; (B) POSSIBILITY THAT, IN SUCH INDEPENDENT SUIT, DESIGNATION OF OPIC MAY, AFTER ALL, BE INADVISABLE; (C) LOCAL COUNSEL' S CONTINUED ADVICE THAT BHOPAL AND OTHER COURT SUITS BE IGNORED BY USG; AND (D) IMPENDING CREDITORS' MEETING IN BOMBAY AND OUR TENTATIVE THINKING TOWARD SAME. ACTION REQUESTED: NONE. END SUMMARY.

1. AT MARCH 30 MEETING HERE, BOTH THACKER AND ASSOCIATE COUNSEL BHASIN GAVE NOW FIRM RECOMMENDATION (SUPERCEDING EARLIER TENTATIVE VIEWS IN THIS REGARD) THAT BEST USG COURSE IS TO INITIATE OUR OWN INDEPENDENT LAW SUIT, IN DELHI, AGAINST UNION BANK FOR NON- PAYMENT ON GUARANTY: AND, HAVING LAUNCHED SUCH SUIT, THEN TO SEEK CONSOLIDATION IN ONE SUIT BEFORE DELHI HIGH COURT OF ALL ISSUES AGAINST SHAMA FORGE/ UNION BANK. ONE ADVANTAGE OF SUCH INDEPENDENT LAW SUIT,
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BOTH LAWYERS FEEL, WILL BE TO IMPROVE SUBSTANTIALLY OUR PRESENT DEFENSIVE POSTURE AND TO DEMONSTRATE TO COURT, TO OUR LIKELY TACTICAL/ PSYCHOLOGICAL ADVANTAGE, OUR " SERIOUSNESS". MORE IMPORTANTLY, BOUSTRY AND OTHER GOVERNMENT ORGANIZATIONS, EPA AND SOYUZGAZOOCHISTKA AGREED TO ACT AS COORDINATORS OF THEIR INVOLVEMENT ON STATIONARY SOURCE APCT.

D. NEXT WORKING GROUP MEETING ON STATIONARY SOURCE APCT FIRST QUARTER CY '74. STRONG CONSIDERATION BEING GIVEN TO JOINT US- USSR SYMPOSIUM DURING AUGUST/ SEPTEMBER 1973 COVERING PROBLEMS OF FINE PARTICULATE COLLECTION AND POTENTIALLY TOXIC EMISSIONS.

E. ON TRANSPORTATION SOURCE APCT, AGREEMENT REACHED ON (A) COMPARISON OF METHODOLOGY FOR MEASUREMENT OF POLLUTANTS EMITTED FROM MOTOR VEHICLES POWERED BY INTERNAL COMBUSTION ENGINES; (B) JOINT EVALUATION OF METHODS AND DEVICES FOR REDUCING EMISSIONS FROM SAME; (C) JOINT INVESTIGATION OF TRNSPORTATION PLANNING AND CONTROL FOR THE REDUCTION OF TOXIC EMISSIONS DUE TO TRANSPORTATION SOURCES; (D) EXCHANGE OF INFORMATION AT LEAST SEMI- ANNUALLY ON ALL ASPECTS OF TRANSPORTATION EMISSION CONTROL, INCLUDING ADVANCED POWER SYSTEMS, FUNDAMENTAL COMBUSION RESEARCH, FUELS AND FUEL ADDITIVE RESEARCH, ADMINISTRATIVE PROGRAMS TO REDUCE TRANSPORTATION EMISSIONS, AND NEW CONCEPTS OF PUBLIC TRANSPORTATION DEVELOPMENT IN URBAN AREAS.

F. SINCE IT IS ANTICIPATED THAT ADDITIONAL AREAS OF MUTUAL INTERESTS IN THE CONTROL AIR POLLUTION SOURCES MAY BE IDENTIFIED IN THE FUTURE, IT WAS AGREED THAT EACH SIDE MAY PROPOSE EXCHANGES OF PRELIMINARY INFORMATION ON OTHER ACTIVITIES AND THE OTHER SIDE WILL IDENTIFY AND SOLICIT COOPERATION OF ORGANIZATIONS APPROPRIATE FOR PARTICIPATION IN SUCH EXCHANGES.

G. THE SIDES AGREED TO BASE FURTHER COOPERATION RELATED TO VISITS OF THE WORKING GROUPS ON THE RECEIVING- SIDE PAYS UNCLASSIFIED

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PRINCIPLE. THIS DOES NOT PRECLUDE THE EXCHANGE AND VISIT OF EXPERTS AND TECHNICAL TEAMS IN THE INTERIM PERIOD AND AT THE OPTION OF THE SENDING SIDE ON A SENDING- SIDE PAYS BASIS.

2. ON PROPOSED EPA/ TVA COOPERATION WITH ROMANIAN IPAN, DELEGATION MET SATURDAY MORNING WITH DIRECTOR POPOVICI,

DEPUTY DIRECTOR GENERAL DEIXNER OF THE CHEMICAL INDUSTRY
MINISTRY, AND OTHERS FOR DETAILED TECHNICAL DISCUSSIONS.
DELEGATION WILL VISIT FACILITY AT TURNU MAGURELE MONDAY
AND RETURN TO BUCHAREST LATER THAT DAY FOR FURTHER
DISCUSSIONS AT MINISTRY.

3. FOR EPA/ SARAC INCLUDE DISTRIBUTION THIS AND MOSCOW
PRESS RELEASE TO TRAKOWSKI/ CAWLEY, STORK, MACKENTHUN/ JONES,
RTP/ FINKLEA/ COERR, AND C. PIERCE/ V. TRUMBALL. MULTUMESC.
MEEKER

UNCLASSIFIED

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